

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

FARMANULLAH KHAN,

Petitioner,

v.

TERESA ANN BIRCHFIELD KHAN,

Respondent.

CASE NO. 3:22-cv-5866-RJB

ORDER TO SHOW CAUSE

THIS MATTER comes before the Court on a preliminary review of the file. Petitioner requests the return of his children from the State of Washington to Pakistan pursuant to the Hague Convention on the Civil Aspects of International Child Abduction (“the Hague Convention”) and the International Child Abduction Remedies Act (“ICARA”), 22 U.S.C. §§ 9001, *et seq.* Dkt. 3.

On November 9, 2022, Petitioner filed an application to proceed *in forma pauperis* and a proposed Petition for Return of Children. Dkts. 1 and 1-1. His application to proceed *in forma pauperis* was granted on November 14, 2022. Dkt. 2. Respondent has not yet been served.

WHEREAS Petitioner has alleged the following:

1 1. Petitioner is the legal father of the three children, M.F.K. (year of birth 2012), I.S.K.
2 (year of birth 2014), and Y.G.K. (year of birth 2016), and has a right to custody of
3 them. He is a national of Pakistan and lives in Pakistan.

4 2. Respondent is the mother of the three children, is an American citizen, and is believed
5 to be living with them in Amboy, Washington.

6 3. The three children habitually resided in Pakistan until early September 2021.

7 4. While the three children were in Pakistan, Petitioner filed a legal action against
8 Respondent asking a court in Pakistan to grant him custody of the children.

9 5. The three children were wrongfully removed by Respondent after a court in Pakistan
10 entered an order on August 27, 2021 temporarily restraining her from doing so.

11 6. Petitioner did not consent, and has not consented, to the children's removal from
12 Pakistan to the United States.

13 7. In March of 2022, Petitioner filed with the Central Authority of Pakistan an
14 application for the return of the children under the Hague Convention; Pakistan has
15 been a Contracting State to the Hague Convention.

16 Petitioner contends that pursuant to ICARA, he is entitled to a temporary order prohibiting
17 Respondent from removing the three children from the jurisdiction of this Court, visitation with
18 the children, and joint decision making with the Respondent regarding the children's education,
19 religion and non-emergency health matters while this petition is pending. Petitioner also asserts
20 that he is entitled to the full return of the children to Pakistan after a full hearing on the merits
21 under ICARA. Dkt. 3.

22 Based on the foregoing allegations, it is HEREBY ORDERED:
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- 1 1. Respondent Teresa Ann Birchfield Khan is HEREBY PROHIBITED from removing,
2 or cause to be removed, from the jurisdiction of this Court the three minor children,
3 pending further order.
- 4 2. Respondent and the three minor children, are HEREBY ORDERED TO
5 PERSONALLY APPEAR, with or without counsel, on **December 5, 2022 at 9:30**
6 **a.m.** at this Court, 1717 Pacific Ave. in Tacoma, Washington, Courtroom A, United
7 States District Court. Petitioner is ORDERED TO APPEAR by Zoom. At the
8 hearing, Respondent shall be given the opportunity to SHOW CAUSE, orally and/or
9 in writing, if any she has, why Petitioner's requests for relief should not be granted.
10 Those request for relief include that: (1) Petitioner have visitation with the children
11 (in person, by phone, and virtually) while this case is pending, (2) Petitioner have
12 joint decision making with the Respondent regarding the children's education,
13 religion, and non-emergency health matters while this petition is pending; (3)
14 Respondent not remove the children from the jurisdiction of this Court while this
15 petition is pending, and (4) the three children be returned to Pakistan.
- 16 3. If Respondent fails to appear at the **December 5, 2022** hearing with the three minor
17 children, or removes, or causes the removal of, the children from the jurisdiction of
18 this Court, the Court may issue a warrant for Respondent's arrest and/or grant
19 Petitioner's claims for temporary relief.
- 20 4. A copy of this Order, and a copy of the Petition for Return of Minor Child (Dkt. 3)
21 shall be served on Respondent as soon as reasonably possible by the United States
22 Marshal.

1 5. Respondent shall surrender to the U.S. Marshal any passports for the three minor
2 children to be held by the Court for the duration of this case.

3 6. This Order makes no findings as to the merits of the Petition or any requests for
4 relief.

5 **IT IS SO ORDERED.**

6 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
7 to any party appearing *pro se* at said party's last known address.

8 Dated this 15th day of November, 2022.

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10 ROBERT J. BRYAN
11 United States District Judge
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